

**UNITED STATES DISTRICT COURT  
DISTRICT OF MARYLAND**

Federal Trade Commission, )  
v. )  
Plaintiff, )  
Innovative Marketing, Inc., *et al.*, )  
AND )  
Maurice D'Souza, )  
Relief Defendant. )  
Civil No.: RDB 08-CV-3233

**DEFENDANT SAM JAIN'S ANSWER TO THE COMPLAINT**

Pursuant to Rules 8 and 12 of the Federal Rules of Civil Procedure, Defendant Sam Jain hereby answers Plaintiff's Complaint and asserts his affirmative defenses.

In answer to the separately numbered paragraphs in Plaintiff's Complaint, Mr. Jain responds as follows:

1. Paragraph 1 of the Complaint contains legal conclusions to which no response is required.
2. Paragraph 2 of the Complaint contains legal conclusions to which no response is required.
3. Paragraph 3 of the Complaint contains legal conclusions to which no response is required.
4. Paragraph 4 of the Complaint contains legal conclusions to which no response is required. To the extent Paragraph 4 of the Complaint contains factual allegations to which a

response is required, Mr. Jain lacks sufficient information to admit or deny the allegations and therefore denies those allegations.

5. The subject matter of the Complaint in this case is the basis for an ongoing investigation conducted by the U.S. Attorney for the Northern District of Illinois. Exercising his rights under the Fifth Amendment to the Constitution of the United States, Mr. Jain respectfully declines to answer the allegations contained in Paragraph 5 on the ground that his answer might tend to incriminate him. Mr. Jain further respectfully requests that such declination have the same procedural effect under Fed. R. Civ. P. 8(d), as if he specifically denied the allegations.

6. Exercising his rights under the Fifth Amendment to the Constitution of the United States, Mr. Jain respectfully declines to answer the allegations contained in Paragraph 6 on the ground that his answer might tend to incriminate him. Mr. Jain further respectfully requests that such declination have the same procedural effect under Fed. R. Civ. P. 8(d), as if he specifically denied the allegations.

7. Exercising his rights under the Fifth Amendment to the Constitution of the United States, Mr. Jain respectfully declines to answer the allegations contained in Paragraph 7 on the ground that his answer might tend to incriminate him. Mr. Jain further respectfully requests that such declination have the same procedural effect under Fed. R. Civ. P. 8(d), as if he specifically denied the allegations.

8. Exercising his rights under the Fifth Amendment to the Constitution of the United States, Mr. Jain respectfully declines to answer the allegations contained in Paragraph 8 on the ground that his answer might tend to incriminate him. Mr. Jain further respectfully requests that such declination have the same procedural effect under Fed. R. Civ. P. 8(d), as if he specifically denied the allegations.

9. Exercising his rights under the Fifth Amendment to the Constitution of the United States, Mr. Jain respectfully declines to answer the allegations contained in Paragraph 9 on the ground that his answer might tend to incriminate him. Mr. Jain further respectfully requests that such declination have the same procedural effect under Fed. R. Civ. P. 8(d), as if he specifically denied the allegations.

10. Exercising his rights under the Fifth Amendment to the Constitution of the United States, Mr. Jain respectfully declines to answer the allegations contained in the first three sentences of Paragraph 10 on the ground that his answer might tend to incriminate him. Mr. Jain further respectfully requests that such declination have the same procedural effect under Fed. R. Civ. P. 8(d), as if he specifically denied the allegations. Mr. Jain lacks sufficient information to admit or deny the allegations of the fourth and final sentence of Paragraph 10 and therefore denies those allegations.

11. Exercising his rights under the Fifth Amendment to the Constitution of the United States, Mr. Jain respectfully declines to answer the allegations contained in the first three sentences of Paragraph 11 on the ground that his answer might tend to incriminate him. Mr. Jain further respectfully requests that such declination have the same procedural effect under Fed. R. Civ. P. 8(d), as if he specifically denied the allegations. Mr. Jain lacks sufficient information to admit or deny the allegations of the fourth and final sentence of Paragraph 11 and therefore denies those allegations.

12. Exercising his rights under the Fifth Amendment to the Constitution of the United States, Mr. Jain respectfully declines to answer the allegations contained in the first two sentences of Paragraph 12 on the ground that his answer might tend to incriminate him. Mr. Jain further respectfully requests that such declination have the same procedural effect under Fed. R. Civ. P.

8(d), as if he specifically denied the allegations. Mr. Jain lacks sufficient information to admit or deny the allegations of the third and final sentence of Paragraph 12 and therefore denies those allegations.

13. Mr. Jain lacks sufficient information to admit or deny the allegations of the first and third sentences of Paragraph 13 and therefore denies those allegations. Exercising his rights under the Fifth Amendment to the Constitution of the United States, Mr. Jain respectfully declines to answer the allegations contained in the second sentence of Paragraph 13 on the ground that his answer might tend to incriminate him. Mr. Jain further respectfully requests that such declination have the same procedural effect under Fed. R. Civ. P. 8(d), as if he specifically denied the allegations.

14. Paragraph 14 of the Complaint contains legal conclusions to which no response is required.

15. Exercising his rights under the Fifth Amendment to the Constitution of the United States, Mr. Jain respectfully declines to answer the allegations contained in Paragraph 15 on the ground that his answer might tend to incriminate him. Mr. Jain further respectfully requests that such declination have the same procedural effect under Fed. R. Civ. P. 8(d), as if he specifically denied the allegations.

16. Exercising his rights under the Fifth Amendment to the Constitution of the United States, Mr. Jain respectfully declines to answer the allegations contained in Paragraph 16 on the ground that his answer might tend to incriminate him. Mr. Jain further respectfully requests that such declination have the same procedural effect under Fed. R. Civ. P. 8(d), as if he specifically denied the allegations.

17. Exercising his rights under the Fifth Amendment to the Constitution of the United States, Mr. Jain respectfully declines to answer the allegations contained in Paragraph 17 on the ground that his answer might tend to incriminate him. Mr. Jain further respectfully requests that such declination have the same procedural effect under Fed. R. Civ. P. 8(d), as if he specifically denied the allegations.

18. Exercising his rights under the Fifth Amendment to the Constitution of the United States, Mr. Jain respectfully declines to answer the allegations contained in Paragraph 18 on the ground that his answer might tend to incriminate him. Mr. Jain further respectfully requests that such declination have the same procedural effect under Fed. R. Civ. P. 8(d), as if he specifically denied the allegations.

19. Exercising his rights under the Fifth Amendment to the Constitution of the United States, Mr. Jain respectfully declines to answer the allegations contained in Paragraph 19 on the ground that his answer might tend to incriminate him. Mr. Jain further respectfully requests that such declination have the same procedural effect under Fed. R. Civ. P. 8(d), as if he specifically denied the allegations.

20. Exercising his rights under the Fifth Amendment to the Constitution of the United States, Mr. Jain respectfully declines to answer the allegations contained in Paragraph 20 on the ground that his answer might tend to incriminate him. Mr. Jain further respectfully requests that such declination have the same procedural effect under Fed. R. Civ. P. 8(d), as if he specifically denied the allegations.

21. Exercising his rights under the Fifth Amendment to the Constitution of the United States, Mr. Jain respectfully declines to answer the allegations contained in Paragraph 21 on the ground that his answer might tend to incriminate him. Mr. Jain further respectfully requests that such

declination have the same procedural effect under Fed. R. Civ. P. 8(d), as if he specifically denied the allegations.

22. Exercising his rights under the Fifth Amendment to the Constitution of the United States, Mr. Jain respectfully declines to answer the allegations contained in Paragraph 22 on the ground that his answer might tend to incriminate him. Mr. Jain further respectfully requests that such declination have the same procedural effect under Fed. R. Civ. P. 8(d), as if he specifically denied the allegations.

23. Exercising his rights under the Fifth Amendment to the Constitution of the United States, Mr. Jain respectfully declines to answer the allegations contained in Paragraph 23 on the ground that his answer might tend to incriminate him. Mr. Jain further respectfully requests that such declination have the same procedural effect under Fed. R. Civ. P. 8(d), as if he specifically denied the allegations.

24. Exercising his rights under the Fifth Amendment to the Constitution of the United States, Mr. Jain respectfully declines to answer the allegations contained in Paragraph 24 on the ground that his answer might tend to incriminate him. Mr. Jain further respectfully requests that such declination have the same procedural effect under Fed. R. Civ. P. 8(d), as if he specifically denied the allegations.

25. Exercising his rights under the Fifth Amendment to the Constitution of the United States, Mr. Jain respectfully declines to answer the allegations contained in Paragraph 25 on the ground that his answer might tend to incriminate him. Mr. Jain further respectfully requests that such declination have the same procedural effect under Fed. R. Civ. P. 8(d), as if he specifically denied the allegations.

26. Exercising his rights under the Fifth Amendment to the Constitution of the United States, Mr. Jain respectfully declines to answer the allegations contained in Paragraph 26 on the ground that his answer might tend to incriminate him. Mr. Jain further respectfully requests that such declination have the same procedural effect under Fed. R. Civ. P. 8(d), as if he specifically denied the allegations.

27. Exercising his rights under the Fifth Amendment to the Constitution of the United States, Mr. Jain respectfully declines to answer the allegations contained in Paragraph 27 on the ground that his answer might tend to incriminate him. Mr. Jain further respectfully requests that such declination have the same procedural effect under Fed. R. Civ. P. 8(d), as if he specifically denied the allegations.

28. Exercising his rights under the Fifth Amendment to the Constitution of the United States, Mr. Jain respectfully declines to answer the allegations contained in Paragraph 28 on the ground that his answer might tend to incriminate him. Mr. Jain further respectfully requests that such declination have the same procedural effect under Fed. R. Civ. P. 8(d), as if he specifically denied the allegations.

29. Exercising his rights under the Fifth Amendment to the Constitution of the United States, Mr. Jain respectfully declines to answer the allegations contained in Paragraph 29 on the ground that his answer might tend to incriminate him. Mr. Jain further respectfully requests that such declination have the same procedural effect under Fed. R. Civ. P. 8(d), as if he specifically denied the allegations.

30. Exercising his rights under the Fifth Amendment to the Constitution of the United States, Mr. Jain respectfully declines to answer the allegations contained in Paragraph 30 on the ground that his answer might tend to incriminate him. Mr. Jain further respectfully requests that such

declination have the same procedural effect under Fed. R. Civ. P. 8(d), as if he specifically denied the allegations.

31. Exercising his rights under the Fifth Amendment to the Constitution of the United States, Mr. Jain respectfully declines to answer the allegations contained in Paragraph 31 on the ground that his answer might tend to incriminate him. Mr. Jain further respectfully requests that such declination have the same procedural effect under Fed. R. Civ. P. 8(d), as if he specifically denied the allegations.

32. Exercising his rights under the Fifth Amendment to the Constitution of the United States, Mr. Jain respectfully declines to answer the allegations contained in Paragraph 32 on the ground that his answer might tend to incriminate him. Mr. Jain further respectfully requests that such declination have the same procedural effect under Fed. R. Civ. P. 8(d), as if he specifically denied the allegations.

33. Exercising his rights under the Fifth Amendment to the Constitution of the United States, Mr. Jain respectfully declines to answer the allegations contained in Paragraph 33 on the ground that his answer might tend to incriminate him. Mr. Jain further respectfully requests that such declination have the same procedural effect under Fed. R. Civ. P. 8(d), as if he specifically denied the allegations.

34. Exercising his rights under the Fifth Amendment to the Constitution of the United States, Mr. Jain respectfully declines to answer the allegations contained in Paragraph 34 on the ground that his answer might tend to incriminate him. Mr. Jain further respectfully requests that such declination have the same procedural effect under Fed. R. Civ. P. 8(d), as if he specifically denied the allegations.

35. Exercising his rights under the Fifth Amendment to the Constitution of the United States, Mr. Jain respectfully declines to answer the allegations contained in Paragraph 35 on the ground that his answer might tend to incriminate him. Mr. Jain further respectfully requests that such declination have the same procedural effect under Fed. R. Civ. P. 8(d), as if he specifically denied the allegations.

36. Exercising his rights under the Fifth Amendment to the Constitution of the United States, Mr. Jain respectfully declines to answer the allegations contained in Paragraph 36 on the ground that his answer might tend to incriminate him. Mr. Jain further respectfully requests that such declination have the same procedural effect under Fed. R. Civ. P. 8(d), as if he specifically denied the allegations.

37. Exercising his rights under the Fifth Amendment to the Constitution of the United States, Mr. Jain respectfully declines to answer the allegations contained in Paragraph 37 on the ground that his answer might tend to incriminate him. Mr. Jain further respectfully requests that such declination have the same procedural effect under Fed. R. Civ. P. 8(d), as if he specifically denied the allegations.

38. Exercising his rights under the Fifth Amendment to the Constitution of the United States, Mr. Jain respectfully declines to answer the allegations contained in Paragraph 38 on the ground that his answer might tend to incriminate him. Mr. Jain further respectfully requests that such declination have the same procedural effect under Fed. R. Civ. P. 8(d), as if he specifically denied the allegations.

39. Exercising his rights under the Fifth Amendment to the Constitution of the United States, Mr. Jain respectfully declines to answer the allegations contained in Paragraph 39 on the ground that his answer might tend to incriminate him. Mr. Jain further respectfully requests that such

declination have the same procedural effect under Fed. R. Civ. P. 8(d), as if he specifically denied the allegations.

40. Exercising his rights under the Fifth Amendment to the Constitution of the United States, Mr. Jain respectfully declines to answer the allegations contained in Paragraph 40 on the ground that his answer might tend to incriminate him. Mr. Jain further respectfully requests that such declination have the same procedural effect under Fed. R. Civ. P. 8(d), as if he specifically denied the allegations.

41. Exercising his rights under the Fifth Amendment to the Constitution of the United States, Mr. Jain respectfully declines to answer the allegations contained in Paragraph 41 on the ground that his answer might tend to incriminate him. Mr. Jain further respectfully requests that such declination have the same procedural effect under Fed. R. Civ. P. 8(d), as if he specifically denied the allegations.

42. Exercising his rights under the Fifth Amendment to the Constitution of the United States, Mr. Jain respectfully declines to answer the allegations contained in Paragraph 42 on the ground that his answer might tend to incriminate him. Mr. Jain further respectfully requests that such declination have the same procedural effect under Fed. R. Civ. P. 8(d), as if he specifically denied the allegations.

43. Exercising his rights under the Fifth Amendment to the Constitution of the United States, Mr. Jain respectfully declines to answer the allegations contained in Paragraph 43 on the ground that his answer might tend to incriminate him. Mr. Jain further respectfully requests that such declination have the same procedural effect under Fed. R. Civ. P. 8(d), as if he specifically denied the allegations.

44. Exercising his rights under the Fifth Amendment to the Constitution of the United States, Mr. Jain respectfully declines to answer the allegations contained in Paragraph 44 on the ground that his answer might tend to incriminate him. Mr. Jain further respectfully requests that such declination have the same procedural effect under Fed. R. Civ. P. 8(d), as if he specifically denied the allegations.

45. Exercising his rights under the Fifth Amendment to the Constitution of the United States, Mr. Jain respectfully declines to answer the allegations contained in Paragraph 45 on the ground that his answer might tend to incriminate him. Mr. Jain further respectfully requests that such declination have the same procedural effect under Fed. R. Civ. P. 8(d), as if he specifically denied the allegations.

46. Exercising his rights under the Fifth Amendment to the Constitution of the United States, Mr. Jain respectfully declines to answer the allegations contained in Paragraph 46 on the ground that his answer might tend to incriminate him. Mr. Jain further respectfully requests that such declination have the same procedural effect under Fed. R. Civ. P. 8(d), as if he specifically denied the allegations.

47. Exercising his rights under the Fifth Amendment to the Constitution of the United States, Mr. Jain respectfully declines to answer the allegations contained in Paragraph 47 on the ground that his answer might tend to incriminate him. Mr. Jain further respectfully requests that such declination have the same procedural effect under Fed. R. Civ. P. 8(d), as if he specifically denied the allegations.

48. Exercising his rights under the Fifth Amendment to the Constitution of the United States, Mr. Jain respectfully declines to answer the allegations contained in Paragraph 48 on the ground that his answer might tend to incriminate him. Mr. Jain further respectfully requests that such

declination have the same procedural effect under Fed. R. Civ. P. 8(d), as if he specifically denied the allegations.

49. Exercising his rights under the Fifth Amendment to the Constitution of the United States, Mr. Jain respectfully declines to answer the allegations contained in Paragraph 49 on the ground that his answer might tend to incriminate him. Mr. Jain further respectfully requests that such declination have the same procedural effect under Fed. R. Civ. P. 8(d), as if he specifically denied the allegations.

50. Exercising his rights under the Fifth Amendment to the Constitution of the United States, Mr. Jain respectfully declines to answer the allegations contained in Paragraph 50 on the ground that his answer might tend to incriminate him. Mr. Jain further respectfully requests that such declination have the same procedural effect under Fed. R. Civ. P. 8(d), as if he specifically denied the allegation.

51. Exercising his rights under the Fifth Amendment to the Constitution of the United States, Mr. Jain respectfully declines to answer the allegations contained in Paragraph 51 on the ground that his answer might tend to incriminate him. Mr. Jain further respectfully requests that such declination have the same procedural effect under Fed. R. Civ. P. 8(d), as if he specifically denied the allegations.

52. Exercising his rights under the Fifth Amendment to the Constitution of the United States, Mr. Jain respectfully declines to answer the allegations contained in Paragraph 52 on the ground that his answer might tend to incriminate him. Mr. Jain further respectfully requests that such declination have the same procedural effect under Fed. R. Civ. P. 8(d), as if he specifically denied the allegations.

53. Exercising his rights under the Fifth Amendment to the Constitution of the United States, Mr. Jain respectfully declines to answer the allegations contained in Paragraph 53 on the ground that his answer might tend to incriminate him. Mr. Jain further respectfully requests that such declination have the same procedural effect under Fed. R. Civ. P. 8(d), as if he specifically denied the allegations.

54. Exercising his rights under the Fifth Amendment to the Constitution of the United States, Mr. Jain respectfully declines to answer the allegations contained in Paragraph 54 on the ground that his answer might tend to incriminate him. Mr. Jain further respectfully requests that such declination have the same procedural effect under Fed. R. Civ. P. 8(d), as if he specifically denied the allegations.

55. Exercising his rights under the Fifth Amendment to the Constitution of the United States, Mr. Jain respectfully declines to answer the allegations contained in Paragraph 55 on the ground that his answer might tend to incriminate him. Mr. Jain further respectfully requests that such declination have the same procedural effect under Fed. R. Civ. P. 8(d), as if he specifically denied the allegations.

56. Exercising his rights under the Fifth Amendment to the Constitution of the United States, Mr. Jain respectfully declines to answer the allegations contained in Paragraph 56 on the ground that his answer might tend to incriminate him. Mr. Jain further respectfully requests that such declination have the same procedural effect under Fed. R. Civ. P. 8(d), as if he specifically denied the allegations.

57. Exercising his rights under the Fifth Amendment to the Constitution of the United States, Mr. Jain respectfully declines to answer the allegations contained in Paragraph 57 on the ground that his answer might tend to incriminate him. Mr. Jain further respectfully requests that such

declination have the same procedural effect under Fed. R. Civ. P. 8(d), as if he specifically denied the allegations.

58. Exercising his rights under the Fifth Amendment to the Constitution of the United States, Mr. Jain respectfully declines to answer the allegations contained in Paragraph 58 on the ground that his answer might tend to incriminate him. Mr. Jain further respectfully requests that such declination have the same procedural effect under Fed. R. Civ. P. 8(d), as if he specifically denied the allegations.

59. Exercising his rights under the Fifth Amendment to the Constitution of the United States, Mr. Jain respectfully declines to answer the allegations contained in Paragraph 59 on the ground that his answer might tend to incriminate him. Mr. Jain further respectfully requests that such declination have the same procedural effect under Fed. R. Civ. P. 8(d), as if he specifically denied the allegations.

60. Exercising his rights under the Fifth Amendment to the Constitution of the United States, Mr. Jain respectfully declines to answer the allegations contained in Paragraph 60 on the ground that his answer might tend to incriminate him. Mr. Jain further respectfully requests that such declination have the same procedural effect under Fed. R. Civ. P. 8(d), as if he specifically denied the allegations.

61. Exercising his rights under the Fifth Amendment to the Constitution of the United States, Mr. Jain respectfully declines to answer the allegations contained in Paragraph 61 on the ground that his answer might tend to incriminate him. Mr. Jain further respectfully requests that such declination have the same procedural effect under Fed. R. Civ. P. 8(d), as if he specifically denied the allegations.

62. Exercising his rights under the Fifth Amendment to the Constitution of the United States, Mr. Jain respectfully declines to answer the allegations contained in Paragraph 62 on the ground that his answer might tend to incriminate him. Mr. Jain further respectfully requests that such declination have the same procedural effect under Fed. R. Civ. P. 8(d), as if he specifically denied the allegations.

63. Exercising his rights under the Fifth Amendment to the Constitution of the United States, Mr. Jain respectfully declines to answer the allegations contained in Paragraph 63 on the ground that his answer might tend to incriminate him. Mr. Jain further respectfully requests that such declination have the same procedural effect under Fed. R. Civ. P. 8(d), as if he specifically denied the allegations.

64. Exercising his rights under the Fifth Amendment to the Constitution of the United States, Mr. Jain respectfully declines to answer the allegations contained in Paragraph 64 on the ground that his answer might tend to incriminate him. Mr. Jain further respectfully requests that such declination have the same procedural effect under Fed. R. Civ. P. 8(d), as if he specifically denied the allegations.

65. Exercising his rights under the Fifth Amendment to the Constitution of the United States, Mr. Jain respectfully declines to answer the allegations contained in Paragraph 65 on the ground that his answer might tend to incriminate him. Mr. Jain further respectfully requests that such declination have the same procedural effect under Fed. R. Civ. P. 8(d), as if he specifically denied the allegations.

66. Paragraph 66 of the Complaint contains legal conclusions to which no response is required. To the extent Paragraph 66 of the Complaint contains factual allegations to which a response is required, upon advice of counsel Mr. Jain respectfully declines to answer the

allegations contained in Paragraph 66 of the Complaint based upon his Fifth Amendment privilege against self-incrimination.

67. Exercising his rights under the Fifth Amendment to the Constitution of the United States, Mr. Jain respectfully declines to answer the allegations contained in Paragraph 67 on the ground that his answer might tend to incriminate him. Mr. Jain further respectfully requests that such declination have the same procedural effect under Fed. R. Civ. P. 8(d), as if he specifically denied the allegations.

68. Exercising his rights under the Fifth Amendment to the Constitution of the United States, Mr. Jain respectfully declines to answer the allegations contained in Paragraph 68 on the ground that his answer might tend to incriminate him. Mr. Jain further respectfully requests that such declination have the same procedural effect under Fed. R. Civ. P. 8(d), as if he specifically denied the allegations.

69. Exercising his rights under the Fifth Amendment to the Constitution of the United States, Mr. Jain respectfully declines to answer the allegations contained in Paragraph 69 on the ground that his answer might tend to incriminate him. Mr. Jain further respectfully requests that such declination have the same procedural effect under Fed. R. Civ. P. 8(d), as if he specifically denied the allegations.

70. Paragraph 70 of the Complaint contains legal conclusions to which no response is required. To the extent Paragraph 70 of the Complaint contains factual allegations to which a response is required, upon advice of counsel Mr. Jain respectfully declines to answer the allegations contained in Paragraph 70 of the Complaint based upon his Fifth Amendment privilege against self-incrimination.

71. Paragraph 71 of the Complaint contains legal conclusions to which no response is required. To the extent Paragraph 71 of the Complaint contains factual allegations to which a response is required, upon advice of counsel Mr. Jain respectfully declines to answer the allegations contained in Paragraph 71 of the Complaint based upon his Fifth Amendment privilege against self-incrimination.

72. Paragraph 72 of the Complaint contains legal conclusions to which no response is required. To the extent Paragraph 72 of the Complaint contains factual allegations to which a response is required, upon advice of counsel Mr. Jain respectfully declines to answer the allegations contained in Paragraph 72 of the Complaint based upon his Fifth Amendment privilege against self-incrimination.

73. Paragraph 73 of the Complaint contains legal conclusions to which no response is required.

To the extent that the “Prayer for Relief” section of Plaintiff’s Complaint contains factual allegations to which a response is required, upon advice of counsel Mr. Jain respectfully declines to answer the allegations contained in the Prayer for Relief of the Complaint based upon his Fifth Amendment privilege against self-incrimination.

### **AFFIRMATIVE DEFENSES**

Mr. Jain respectfully asserts the following affirmative defenses:

#### **First Affirmative Defense**

Plaintiff has failed to state a claim upon which relief can be granted.

#### **Second Affirmative Defense**

Any injury allegedly incurred was not caused by Mr. Jain, and any injury resulted from superseding or intervening events outside the knowledge and control of Mr. Jain.

**Third Affirmative Defense**

Mr. Jain expressly reserves the right to assert any and all other defenses to the Amended Complaint as they become known.

Respectfully submitted,

/s/  
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*Attorneys for Defendant Sam Jain*

Dated: June 23, 2009

**CERTIFICATE OF SERVICE**

I hereby certify that on June 23, 2009, a copy of the foregoing DEFENDANT SAM JAIN'S ANSWER TO THE COMPLAINT was served upon all counsel of record through the Court's ECF system.

/s/  
Benjamin D. Wood